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8 Of Attorneys for Debtor
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10 IN THE UNITED STATES BANKRUPTCY COURT

11 FOR THE DISTRICT OF OREGON

12 13 14 15 16 17 18 19 20 21 22 23 24 25

10 In re:) Case No.: 14-33384-tmb13
11 SCOTT RONALD WILLOUGHBY,)
12 Debtor.) AMENDED RESPONSE OF DEBTOR TO
13) MORTGAGE COMPANY 4100R FILING,
14) AND MOTION FOR HEARING ON MORTAGE
15) CURE AND FORM 4100R FILING BY US
16) BANK

Debtor, Scott Ronald Willoughby, by and through his attorney, Richard J. Parker, hereby objects to the 4100 R Response filed by US Bank Trust National Association, as Trustee of the SCIG Series III Trust.

First, the response is deficient in that it does not include the Itemized Payment History required in Part 4 of the form reflecting payments made on the account, particularly post-petition payment made by Debtor.

Second, as indicated by the docket in this case, the predecessors of creditor have filed 2 motions for relief from

1 - RESPONSE OF DEBTOR TO MORTGAGE
4100R FILING AND MOTION FOR HEARING
(16993-8)

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1 stay which were withdrawn when creditors could not provide a
2 payment history or explain failure to credit payments made by
3 Debtor. The original servicer at the time of filing was OCWEN
4 and they did not file a proof of claim. A claim on their behalf
5 was filed by Debtor showing arrears of \$36,000 and this claim
6 was not amended by creditor and has been paid by the trustee.

7 Docket #37 (Fannie Mae) alleged \$24,385.56 post-petition
8 default (5-3-16).

9 Withdrawn, Docket #40,

10 Docket #49 (MTGLQ Investors, LP) alleged \$39,363.90 post-
11 petition default (5-3-18).

12 Removed from calendar, Docket #53.

13 Third, as indicated by the statements from various
14 servicers, the creditor has no clue what the balance is at any
15 given time or at present.
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18 Rushmore statement dated 6-13-18 - unpaid amount \$42,004.41
19 SN Servicing statement dated 8-8-18 - unpaid amount \$58,704.37
20 9-5-19 - unpaid amount \$39,524.95
21 10-3-18 - unpaid amount \$40,902.40
22 11-7-18 - unpaid amount \$47,804.38
23 12-5-18 - unpaid amount \$46,975.46
24 1-2-19 - unpaid amount \$48,905.93
25 3-6-19 - unpaid amount \$51,412.05

1 Debtor has records showing payments made during that time
2 period.

3 Forth, the servicer has misapplied funds sent to pay escrow
4 arrears. Throughout the case despite repeated requests, the
5 various servicers have been unable to provide an accurate,
6 coherent and readable payment history and thus could not their
7 Motions for Relief.

8 Fifth, Debtor believes that his arrearage total less than
9 \$10,000 and is prepared to pay what is due immediately upon
10 court determination of the amount due.

11 Finally, Debtor requests that the servicer/holder pay the
12 reasonable attorney fees for having to pursue this matter.

13 Dated this 15th day of April, 2019

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16 /S/ Richard J. Parker
17 RICHARD J. PARKER, OSB #800945
18 Attorney for Debtor

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20 cc: Wayne Godare and US Bank

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1 - RESPONSE OF DEBTOR TO MORTGAGE
4100R FILING AND MOTION FOR HEARING
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re:

SCOTT RONALD WILLOUGHBY

Debtors.

)
)
) Bankruptcy Case No.
) 14-33384-tmb13
)
)
) **CERTIFICATE OF SERVICE**
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)

I, Richard J. Parker, declare as follows:

I certify that on **April 15, 2019**, I served, by **first class mail**, a full and true copy of the foregoing **Response of Debtor to Mortgage Company 4100R Filing, and Motion for Hearing on Mortgage Cure and Form 4100R Filing by US Bank** on the following by causing a copy thereof to be placed in a sealed envelope, postage prepaid, addressed as shown below, in the U.S. Mail at Portland, Oregon on the date indicated below:

Attorney for Creditor, U.S. Bank Trust National Association, as Trustee of Tiki Series III Trust, Michelle R. Ghidotti-Gonsalves, Esq., GHIDOTTI BERGER LLP, 1920 Old Tustin Ave., Santa Ana CA 92705

US Bank Trust National Association, Katie L. Greene, SN Servicing Corporation, SN Servicing Corporation, 323 5th Street, Eureka CA 95501

Via Certified Mailing

U.S. Bank National Association, Andrew Cecere, President, 800 Nicollet Mall, Minneapolis MN 55402

Via Electronic Notice Only

Office of US Trustee- USTPRegion18.PL. ECF@usdoj.gov
Wayne Godare, Trustee in Bankruptcy

DATED: April 15, 2019

/s/ Richard J. Parker
Richard J. Parker, OSB #800945
Attorney for Debtor(s)

1 - CERTIFICATE OF SERVICE
(RJP/19993-8)

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